

## **Recommendations to the 2007 Memphis City Charter Commission:**

We are not so concerned about term limits as we are about the ethics of city officials. The city may benefit by long service and job experience of elected officials who serve honestly and well.

A new Charter should provide that any elected official, appointee, employee, city contractor, or vendor, having been convicted of any crime involving his/her public office or relationship with city government, is barred for life from serving, being employed by, or holding a contractor or vendor relationship with city government. This should mean that anyone so convicted thereby severs all relationships - elected office, employment, contract, or whatever - with the city. Those indicted for such crimes may be disqualified from office or contractual agreements before trial at the discretion of the city council.

As a corollary, the City Charter should include an *Edmund Ford clause* stipulating that any person owing an overdue payment to the city also may not hold city office, city job, or city contract. This should apply to overdue utility bills and tax bills, but not to speeding tickets as long as they are paid promptly.

But we are also concerned about existing or recent conflicts of interest involving business relationships between the city and its elected officials and/or any other city employees. Current law appears to be far too permissive in this regard. For example, City Council members should not be able to hold contracts for providing services to the city, Memphis City Schools, MLGW, etc, etc, and should not hold jobs with, or receive payments of any sort from, a city contractor. Such conflicting relationship of a contractor with a city employee or office-holder should be illegal for both parties; i.e., that both the contractor and the employee are breaking the law.

Enforceable ethical standards for city government are inadequate at present.

We do not understand why so many offenses by state and local government officials must be left to Federal prosecution. Evidently, state and local governments need to set appropriate ethical guidelines enforced by law. Lacking action by the City Council, adequate law or guidelines should be in the City Charter. Revision of the City Charter provides a golden opportunity to strengthen city law and provide for local prosecution of local offenders.

The third area of major concern is the granting of overly generous pension rights to elected officials and employees. In well-publicized cases, the terms of pension benefits are alarming in the sense that they are not justified by service rendered, and are proving painfully expensive for the city to pay, now and in the future. Also, unfunded pension benefits are extremely worrisome. We believe that overly generous grants of pension benefits should be rescinded wherever possible.

We recommend: 1) the city should abandon the present employee pension system as quickly as possible; 2) that all city employees should be offered a selection of privately managed 401k or 403b annuity plans, funded by pay-as-you-go employer and employee contributions; i.e., the city should adopt a defined contribution retirement plan like those offered by private employers such as FedEx. That is, put city pensions in the hands of the insurance industry. Adopting a fair and stable pension system will attract able career professionals to public service.

A fourth area of concern is the low pay of elected officials. Considering the cost of living, and rewards available in the private sector, many elected officials spend far too much time on their public jobs for far too little pay. City Council members officially work part time, but in practice work full time. This is undesirable because underpaid elected officials may be tempted to supplement their income by accepting bribes or using their office in other unethical ways. The solution to this dilemma would be increasing the salary of elected officials, particularly City Council members.

The added cost of adequate pay for City Councilpersons could be balanced by reducing the size of the council. Leaving more decision-making to appointed professionals would also tend to reduce demands on

elected officials' time. Rather than micromanaging city business, the City Council should be responsible only for budget approval, setting policy thru legislation, and overseeing performance of city administration. Council should employ expert and competent full-time staff to do its research and accomplish its work.

Compensation of elected and appointed officials should be commensurate with that of competent and experienced workers in the private sector. Comparison with the private sector has always been troublesome in setting pay for government employees, but the City is now way out of whack.

A revised City Charter should provide taxing authority for Memphis City Schools, property tax rate to be set by the MCS Board of Commissioners. This will require commensurate reductions in city and county sales taxes, etc, etc. The present route for MCS budget approval is too complex and treacherous. Taxing authority will level the playing field for education. It will effectively make education a higher priority in Memphis by providing more reliable access to adequate operating and capital funds for meeting goals and aspirations for quality public education.

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P.S.: In the 1960's, it seemed that Boston had reached an astonishing new low when Mayor Jim Curley campaigned from his jail cell and was reelected as mayor while serving time for embezzling city funds. Since then, we have learned that voters in Memphis and elsewhere also tolerate self-serving public officials for years. Memphis will have only itself to blame if we do not take the present opportunity to curb blatant abuses of the public trust.

We regret that we are concentrating on the negatives of Memphis government, but the public has been treated lately by our public officials to an unbelievable series of outrages, some legal, some not. Malfeasance of public officials distracts city government from its serious responsibilities, and ranks with street crime as extremely hazardous to the city.